

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:06cv35**

<b>DEBRA L. GUY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>MICHAEL J. ASTRUE,</b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the court in accordance with 28, United States Code, Section 636(C), and upon plaintiff's application for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), filed September 19, 2007. Defendant filed a response to the plaintiff's application on October 3, 2007. On October 22, 2007, counsel for the respective parties informed the court that the parties have agreed upon the amount of \$4,600.00 in lieu of the \$4,699.37 sought in the petition.

It appearing that such a petition should, in accordance with the teachings of the Supreme Court in Shalala v. Schaefer, \_\_\_ U.S. \_\_\_, 61 U.S.L. W. 4722 (June 24, 1993), be entertained where, as here, a previously entered remand was a "final decision" under sentence four of 42, United States Code, Section 405(g); and it further appearing that the time expended by counsel was necessary for the adequate prosecution of this matter, that the proposed rate of pay is reasonable based on counsel's experience and skill in accordance with 28, United States Code, Section 2412, and that the total fee is reasonable for the services rendered;

**IT IS, THEREFORE, ORDERED** that the plaintiff's motion for attorney's fees under the EAJA (#19) is **GRANTED IN PART** after independent review of the petition and supporting materials **AND DENIED IN PART** based on the agreement of the parties, and plaintiff is hereby awarded the sum of **FOUR THOUSAND, SIX HUNDRED DOLLARS AND NO CENTS** (\$4,600.00) pursuant to the EAJA. 28 U.S.C. § 2412(d).

Signed: October 22, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

